

THE NATION

DECEMBER 24, 1960 . . 25c

PRIVATE GAIN AND CORPORATE ETHICS

Bernard Schwartz

The Polaris Sub

COLD WAR under the SEA

Stephen King-Hall

PERILS of BROTHERHOOD

The Ordeal of Ashton Jones

Harold Flender

The Charles G. Sherrill Library
EAST TENNESSEE STATE COLLEGE
JOHNSON CITY, TENNESSEE

LETTERS

Curtained Brains

Dear Sirs: I write in response to Mr. Michael Novak's article, "The Brain Curtain," in your Dec. 10 issue.

The American intellectual-liberal made a mistake by not recognizing Stalin-communism for what it was. It is for this reason that he has been ostracized by the American people. Yet being ostracized by the American people does not hurt nearly as much as the realization that we allowed ourselves to be dupes. McCarthy was right—in part—we must admit to ourselves. What can hurt more? I predict that the American people know we are their soul and spirit and will once again accept our leadership. They will recognize Mr. Novak's solution for what it is—a philosophical Catholicism long since made moribund by the advance of civilization. . . . What the American liberal needs to recognize is his new alliance with the social and pure sciences. This is the source of the life-blood for liberalism and for our nation which we let down once but which we shall do never again.

LEO J. BARANSKI
Psychology Dept.

Los Angeles State College
Los Angeles, Calif.

Dear Sirs: "The Brain Curtain," or more aptly "The Curtained Brain," is a splendid example of prose style confusion, which really shows us why America does distrust its intellectuals.

By failing at the outset to focus attention on the more meaningful and broader antagonism—i.e., why each individual American distrusts his fellow American, . . . the author forces himself into a large amount of pinch-pleat criticism and analysis. This unfortunate lack of focus—coupled with an unjustified presumption—does irreparable harm to his labor. The presumption is that a certain "unity" groups modern-day America into two uncooperative classes; but that within each class—the "intellectuals" and "the people"—a cohesion of spirit and purpose exists which need only be "fused" by "empathy" and "infinite care" on the part of the "intellectuals." I submit there is no such cohesion within either of these two groups. . . . The author seems to make an appeal for more domestic court judge types, soldering irons heated, prepared for the "Big Weld"! Perhaps the "Big Weld" is the noble 1960 substitute for FDR's New Deal legislation. . . .

I shall prefer to "flay" my country

with the negative criticism it so richly deserves in all areas of the social sciences. . . . It is hoped that, through a constant well-aimed barrage of negative criticism, some of the "unused idealism" and energies of our people will ultimately liberate themselves.

MICHAEL S. MAMOLEN
Bala-Cynwyd, Pa.

Why Mr. Porter Lost (cont'd)

Dear Sirs: I cannot agree with Charles Porter ["Why the 'Peace Congressmen' Lost," Dec. 3 issue] that his demise was due to his foreign policy position. That may have been a contributing factor, and may well have pushed him over the edge. As a Democratic Representative from a neighboring state, I would venture the suggestion that if Porter had not had the religious issue going at the head of the ticket, he would have squeaked through.

There are two kinds of voters—the thinking and the unthinking. The unthinking voter, having no stable reference upon which to make a decision, is always at a loss in the voting booth. Therefore, if he can clutch some straw, no matter how insubstantial, he is going to grab it. Thus, voters who were politically indifferent, and even when they were not particularly religious, made their decision on the basis of Kennedy's religion. I think that this was what happened all throughout the West and cut us down anywhere from 2½ to 4 per cent.

CLEM MILLER
Member of Congress
1st District, Calif.

Washington, D. C.

Six-Year-Old Pioneers

Dear Sirs: Several graduate students at Harvard University have started a campaign in support of the four six-year-olds who are pioneering school integration in New Orleans. In the Boston area, several schools are undertaking class projects to write to the children; disk jockeys and news commentators are co-operating, and 700 signatures were gathered in Harvard Square for a gigantic greeting card for them.

Christmas cards, letters, small gifts, donations for a future scholarship fund would do much to show these children that they do have friends. Letters addressed to Tessie, Gail, Leona and Ruby, c/o Mr. A. Chapital, Sr., 1821 Orleans Ave., New Orleans 16, La., will reach them.

CHESTER W. HARTMAN
Cambridge, Mass.

For Highlander's Library

Dear Sirs: We are planning to reorganize and re-catalogue the Highlander Folk School Library early in the year and would like to add to our collections on sociology and race relations, especially problems of segregation in the South. We are interested in receiving from readers of your publication pertinent material, books, pamphlets or periodicals, fiction as well as documentary, from any year and for any age group. We hope to build up the kind of library in race relations which will be useful to research students as well as to our own clientele.

MYLES HORTON, Director
Highlander Folk School
Monteagle, Tenn.

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EDITORIALS

The Art of Selection

In naming his key State Department triumvirate, President-elect Kennedy has demonstrated political skill of a high order. He did not, for example, reject Senator Fulbright; he merely bowed to publicly expressed protests which made it clear to everyone, Senator Fulbright included, that a signer of the Dixiecrat Manifesto was not acceptable as Secretary of State. This leaves Senator Fulbright in the vitally important position of Chairman of the Senate Foreign Relations Committee, for which he holds the highest qualifications by reason of temperament, talent, influence and experience. The key operating positions — head of the United States delegation to the United Nations and Under Secretary of State — have been filled by appointment of the two men best qualified in the Democratic Party for these respective positions. Along with G. Mennen Williams (Assistant Secretary of State for African Affairs), Mr. Stevenson and Mr. Bowles will function at levels that will remove them from the direct line of fire of know-nothing elements in and out of Congress.

Appointment of Dean Rusk as Secretary of State won instantaneous, widespread approval in the press and upset few elements in the leadership of either party. It is very hard, as Senator Kennedy discovered, to find anyone who is *against* the Rusk appointment. The appointment also had the effect of making it possible for Messrs. Stevenson and Bowles to accept their respective appointments. For it may be assumed that neither man was willing to serve without assurance that he would be able to work with the new Secretary and have a hand in shaping policy. In his own right, the new Secretary is able, experienced, knowledgeable; he has worked with Congress and he is almost as well known in the Defense Department as in the Department of State. He has intimate knowledge of the world of private agencies which are concerned with shaping public opinion on foreign policy. By permitting the press to pair the names of David Bruce and Dean Rusk, and

then selecting the latter, the President-elect again emphasized the importance that he attaches to Asia, Africa and Latin America. Mr. Bruce is a European expert, while Mr. Rusk is an expert on Asia and the underdeveloped areas. At the same time, the fact that Mr. Rusk was highly recommended by Dean Acheson was, in itself, reassurance to European foreign offices. Above all, Mr. Rusk is neither the messianic type (John Foster Dulles) nor the knight-errant type (Dean Acheson); he believes in diplomacy and negotiation. One guesses that inflammatory "anti-Communist" rhetoric will be less conspicuous in State Department pronouncements than it has been in the last twelve years.

Europe's New Savior

Time's December 19 man-on-the-cover is West Germany's redoubtable Franz Josef Strauss. A long story in the foreign news section describes the defense minister as a "brawny, brawling bull of a Bavarian who symbolizes the unsettling vitality of the new Germany. Rough, ruthless and flamboyant, he bowls over obstacles in his way like a Tiger tank smashing through a Pomeranian forest." Strauss does, indeed, somewhat resemble an illustrious predecessor, Ernst Roehm, but the differences outweigh the similarities. Strauss is not a "National Bolshevik": outside of military matters, he has no radical ideas. Nor is he the leader of a disorderly horde of brown shirts and hence a rival of the German generals; he is himself the unchallenged boss of the generals. Thus he is not in the slightest danger of sharing Roehm's fate; on the contrary, by all indications he will become Chancellor after a short occupation of the top spot by Ludwig Erhard, or even directly after Adenauer.

Time reveals that Strauss's father, a Munich butcher and staunch Catholic, once gave young Franz Josef a hiding when he caught him handing out brown-shirt leaflets, and as late as 1949 the future defense minister declared, "Anyone who wants a weapon in his hand

should have his hand cut off." But when Adenauer began talking up German remilitarization, Strauss did not take long to remilitarize himself. "It looked like a road to political power," says *Time*, and it was. Strauss still has both his hands.

Hitler is Germany, they used to say, and Germany is Hitler. Strauss isn't Germany, not yet, anyway, but he comes very close to being NATO. With half a million French troops tied down in Algeria, the 280,000-man *Bundeswehr* is already the strongest force on the Continent (the Russians are Asians, aren't they?) and by the end of 1961 Germany will furnish 340,000 men to the Western alliance. And, man for man, the German is probably still the best soldier in the world: he takes to militarism, whether in the aboriginal form or in the sanctified Adenauer version, like a duck to water.

Herr Strauss knows all this, and he acts accordingly. The Germans, he warned when he took over in 1956, will never agree to be "foot soldiers to the American atomic knights." The Germans are going to be atomic knights themselves, first behind the NATO façade, then on their own. Strauss does not go for any nonsense like fifteen hands on the NATO nuclear trigger. He wants — we are still quoting *Time* — "tactical nuclear weapons that are on German ground and in hand." The Americans are too irresolute for the heroic successor to Frederick the Great, Bismarck, Wilhelm II and Hitler, Goering, et al. The United States might hesitate to employ nuclear arms in a limited war against the East Germans, for instance, since their use would invite nuclear retaliation on its cities "for the sake of a few acres of German soil." The decision, says Strauss, should be made by the European members of NATO alone. In short, a committee led by Franz Josef Strauss should decide whether nuclear weapons are to be used against the German kinsfolk, and the Americans in their cities across the ocean would have to take their chances, the same as Europeans.

Will Kennedy buy it? Last September he reviewed *Deterrent or Defense*, in which B. H. Liddell Hart argued that European nations might be better advised to concentrate on conventional forces and leave nuclear deterrence to the Americans. Kennedy suggested that "our partners may wish to create a NATO deterrent, supplementary to our own, under a NATO nuclear treaty." Our partner Franz Joseph Strauss certainly prefers this arrangement. Kennedy said further: "We must think through afresh the military mission of NATO." He had better think hard.

Underwater Hall of Fame

One after another, our new super-submarines, nuclear-powered and nuclear-armed, slip beneath the water and are gone. It will be hard to keep track of the growing Polaris fleet (see Commander Sir Stephen

King-Hall's article on page 495), a fact which may or may not deter the Russians, but which certainly disquiets the Scots who live on the shores of Holy Loch, and some thoughtful Americans as well.

Partly to disarm the doubters, perhaps, the Navy has departed from its tradition of naming submarines after fish. Instead, the Polaris fleet has been given such magic names as *George Washington*, *Patrick Henry* and *Abraham Lincoln*. Designed to be silent, unseen and — in a showdown — impersonally destructive at a 1,400-mile distance, the Polaris sub is a pretty cold fish to start with. Perhaps the Navy reasoned that naming the subs after national heroes might "warm them up" in the public mind. Furthermore, names which are sonorous with the history of liberty on this continent would reinforce the claim that these faceless underwater satellites are indeed the first-line defenders of our freedom.

It is always well to be reminded of our heritage, even by the bow of a Polaris sub. No one should object to the names unless he also wants to quarrel with those Americans who, in 1797, named their new super-frigate the *Constitution*. If the thought of *George Washington* groping through the liquid gloom under the Arctic ice cap, with sixteen Polaris missiles poised in her tubes, comes as a jolt to the minds of Americans, so much the better! Heroic names may not prove to be a good cover for the minimal, mechanical strategy of deter-or-retaliate which the subs represent. Instead, they may provoke us to weigh this strategy against our American tradition, and wonder if we cannot come up with a more creative approach to the problem of somehow living with our neighbors.

Susskind Calls a Halt

David Susskind, by far the most courageous and original of TV producers, has announced that as far as he is concerned the practice of submitting names of performers to networks for "clearance" is dead. "I will no longer submit names for clearance by anybody," says Susskind. "I think the witch-hunt hysteria in America is over." This hysteria (it is far from over) was actually what Aristotle called a "contrived terror." The people who engineered the terror were not under the illusion that the handful of Communists in show business were going to overthrow the government or influence the American people. The terrorists were simply out to mine the rich diggings of publicity which show-business names offer to every fanatic and schemer in the country. The technique was successful because, on their part, the networks, advertising agents and sponsors are groups easily blackmailed. The one thing they want is "good" publicity, the one thing they must avoid (or so the rule books say) is "bad" publicity.

The first victim of the TV black list was Jean Muir,

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an able and charming actress who in her younger days made a few speeches before the Hollywood Anti-Nazi League and such-like organizations, and probably nodded to left-wing screen writers when she passed them on Sunset Boulevard. She was black-listed in 1950. Susskind, through his production agency, Talent Associates Ltd., submitted her name to CBS for its videotaped series, "The Witness." CBS objected. Susskind replied that "Jean Muir was cast, that she was ideal for the role, that she was a splendid American and a fine actress. . . . I intend to fight against black-listing as an unjust, unmerciful and ugly thing."

Straws in the Technological Wind

The pace of technological advance may be gratifying to the "priests of the machine," as Spengler called the engineers, but it may be too fast for the operating personnel available. A few items in the news indicate the possibility of a nuclear catastrophe, with or without a nuclear war. At Vandenberg Air Force Base in California a Titan missile blew up in its underground silo. The missile was unarmed and the explosion was purely chemical—the equivalent of perhaps fifty tons of TNT, compared with 20,000 tons for a Hiroshima-type atomic bomb, and downright trivial compared with the yield of a hydrogen bomb. Yet this minor explosion wrecked the silo, did some \$10 million worth of damage, and threw enough dirt into the air to simulate a volcanic eruption. Suppose the missile had been armed—and it is useless for retaliation unless it is armed—can anyone guarantee that the atomic warhead would not have gone off?

Another item: on October 5—but the news leaks out only now—radar reflections from the moon set off a missile scare at the nation's defense centers. The early warning radar at Thule, Greenland, routinely scanning the skies, mistook the moon for a Russian missile en

route to the United States. The computers flashed a signal to the Strategic Air Command's control center and the headquarters of the North American Air Defense Command in Colorado. In about a minute the alarm was countermanded, but should not the experts at Thule have been aware that the moon would rise at a certain minute and second on October 5, and that the radar beam would bounce off it? The *Toronto Daily Star* gave the incident a red-streamer headline and its science editor suggested that "this appalling howler should be the subject of a most searching investigation"; *The New York Times* published only a few inches of the story on an inside page.

The last item has to do with the dangers of nuclear shipping, which are referred to in a review of a book entitled *Nuclear Ship Propulsion* in this issue of *The Nation*. That the reviewer's misgivings are not overdrawn is indicated by reports in the *San Francisco Chronicle* that the Corps of Engineers is investigating what would happen if the nuclear ship *Savannah*, which is scheduled to visit San Francisco next year, should get into a collision while it is in the harbor. The tests are being carried out by the Engineers in a huge working model of the Bay, under contract with the Maritime Administration. Alexander Grendon, California's coordinator of radiation protection, wrote to the Board: "As you know, many scientists, including the distinguished Dr. Edward Teller—who has seldom been charged with unreasonable caution in such matters—have been concerned about the possibilities of an accident of this type. I share this concern." Dr. Teller has said that if a big ship reactor got out of control "its store of radioactive particles would be more dangerous than a [nuclear] bomb's fallout." No one wants to throw barriers athwart the path of technological progress, but some of the progress these days appears to be headstrong.

THE POLARIS SUB

COLD WAR under the SEA . . . by Stephen King-Hall

SOMEWHERE within a few hundred miles of the coasts of the Soviet Union, perhaps in the Barents Sea, the fish have a new neighbor in the shape of the Polaris-armed nuclear submarine, *George Washington*. Except for routine visits to Holy Loch near Glasgow to change the crews and retest and examine the sixteen missiles, this new maritime monster with a destructive capacity equal to

all the explosives used by both sides in World War II will cruise under the waters and ice of the North Atlantic and Arctic seas. It is a prowling base of nuclear power.

The commissioning of this craft, the forerunner of a fleet of some forty-eight of them, has been greeted with enthusiastic excitement by the American public, and the U.S. Navy undoubtedly regards it as a major

victory over their rivals in the other services. According to what I read in the American press, these craft are the last word in the weaponry of deterrence; they are undetectable; they have enormous endurance. They

COMMANDER SIR STEPHEN KING-HALL, author of *Defense in the Nuclear Age*, has a distinguished record of service in the British Navy.

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are, of course, somewhat expensive, since they cost about \$100,000,000 apiece—but, so it is said, they have closed the missile gap.

This may be temporarily true, but a less satisfactory feature of the Polaris submarine is that, for reasons I shall set forth below, they have considerably closed another gap—that between an uneasy peace and a catastrophic nuclear war.

Khrushchev has told us that the Soviet Union has these craft. He may be exaggerating, but on the other hand his past boasts have so far been substantiated by events. There is no reason why he should not have them, since the Russians are specialists in submarine work and have an atomic-powered ice-breaker. Nor are they beginners in the art of rocketry. We must therefore assume that within a relatively short time the fish in the Pacific and in the Western Atlantic will have Russian Polaris submarines as companions.

I FIND IT difficult to believe that the knowledge that both the Big Boys have dozens of potentially hostile missile bases moving through the oceans will have a calming effect on international tension. Furthermore, looked at objectively, the United States is more vulnerable to attack of this character than is the USSR, at least during the decade in which it may be judged that the range of a missile discharged from a submarine will not exceed 3,000 miles. Twenty Polaris submarines in the Western Atlantic and Pacific could be more effectively deployed against major American industrial centers than could a similar number against those of the Soviet Union.

This is a matter of some military significance, because it can be taken for granted that *pari passu* with the development of these brutes, intensive research has been taking place on methods to detect them. It is probable that at present detection methods are not fully perfected, but it is wishful thinking to suppose that progress in this direction is not being made. And as detection improves, the area in which the American anti-submarine detectors will have to operate will be larger than those need-



The Holy Loch Scrolls

ed by the Russian submarine hunters.

The one and only British (partly made in the United States) nuclear submarine is specifically described as an anti-submarine craft. I anticipate that as nuclear submarine fleets build up on both sides, a great deal of shadowing will take place. The *George Washington* will have tabs kept on it by an "Ivan the Terrible" or "Stalin" and vice versa.

This opens up some sinister possibilities. Suppose that the Russians, having located an American submarine, decide that it is closer than they think it should be to the Russian coast. Suppose the Russians, with a great show of legalism, point out that the old three-mile limit of territorial waters was based on the range of a cannon shot and that they therefore propose to regard their present claim of twelve miles as outdated by Polaris and to be replaced by a 300- or 500-mile limit!

Suppose that the Russians, having shadowed an American submarine, decide to see if they can apply to it the German U-boat doctrine of "*spurlos versunken*" (sunk without trace); now suppose further that the attack is a failure and the disappearance of the submarine does *not* remain one of the unsolved mysteries of the deep. The U-2 episode would be very small beer compared to the crisis created by such an event. Does anyone recall the loss of the *Maine* in Havana Harbor? Who blew her up? And why? Whatever the truth may be, the episode led to war.

It may be that the technical details I have outlined above are not

valid, but if anyone tells us that with several dozen nuclear submarines cruising about submerged off the North Russian coast *and* the Eastern and Western seabords, and being shadowed by various forms of submarine, aerial and surface counter-forces, an "accident" is not a reasonable possibility, I say, "Tell that to the Marines."

The cold war may well become a limited hot war in the ocean depths.

The question of political control over the operations of a nuclear submarine is particularly significant. Put simply, if the submarine, for purposes of concealment, is out of touch with headquarters, how does the commander know when he is to use his missiles? In the event of one of the unsuccessful attacks I mentioned above having taken place, does the commander say, "This is obviously it! I have been subject to attack (or I think I have) and I suppose a nuclear war has started. Fire one! Fire two! Fire three. . . . Fire sixteen! Now let's go and see if Holy Loch is still there."

But if the submarine is in communication with headquarters, then it is absolutely certain that unless our American friends can train dedicated men to be thought-readers, the means of communication will be exploited by the detecting forces.

To describe the Polaris submarine as the ultimate weapon is absurd; the only ultimate solution to the nuclear-arms problem is to give them up altogether, a course of action I have urged upon my compatriots for some years and done so for mil-

itary (not moral-pacifist) reasons.

The Polaris submarine will enjoy its brief hour of glory, then it will become detectable and the missile gap will open up again, with either Russia or the United States controlling strings of satellites consisting of

H-bombs circling the earth and capable of being plunged downwards on selected areas by remote control. If mankind continues to pile Pelion on Ossa in military nuclear profusion, then surely one day some event, probably quite accidental, will occur

and the eighth day of creation will come when the earth will be once more as it was in the beginning—"without form and void, darkness upon the face of the deep" and with only "the Spirit of God moving upon the face of the waters."

Private Gain and Corporate Ethics . . by Bernard Schwartz

ONE WHO has occasion to investigate conflicts of interest in government is bound to wonder about the existence of analogous situations in the world of private industry. He well knows that, for every corrupted official, there must be a corrupter. For every Richard Mack, there is a Thurman Whiteside to act on behalf of the company which retained him. For every Sherman Adams, there is a Bernard Goldfine ready to deduct his largesse as a business expense.

Probes into improprieties in government have, however, carefully avoided all but cursory inquiry into the businessmen who contributed to them. The "kid glove" manner in which the network heads were treated by the Subcommittee on Legislative Oversight is a striking example.

The problem of conflicts of interest in business has now been brought sharply into public focus by the furor growing out of the dismissal of William C. Newberg as president of the Chrysler Corporation. Newberg was ousted by Chrysler's board of directors last summer, only two months after he had moved into the president's office. Three weeks later, Chrysler made public the reason: Newberg had held ownership in two companies selling parts to Chrysler and had profited substantially from these sales.

The story behind Newberg's ouster was neatly characterized by *Business*

BERNARD SCHWARTZ, former counsel for the Special Subcommittee on Legislative Oversight, teaches law at New York University. He is the author of *The Professor and the Commissions*.

Week as "a sort of 20th Century morality play about a pair of poor boys who tried to get rich fast." The "boys" referred to are Newberg himself and Ben Stone, Newberg's former partner. Newberg was a vice president of Chrysler's Dodge Division ten years ago when he first met Stone, who then had interests in building supplies and real estate and lived near Newberg in a fashionable Detroit suburb. In 1951, Newberg became president of Dodge. The following May, Stone incorporated Press Products, Inc. The company was formed to manufacture small parts, notably hinges, for Chrysler cars. Though his name did not appear on any of the corporate documents, Newberg was in fact Stone's partner in the venture, having a 50 per cent stock interest. As such, Newberg got half the profits on the \$2.5 million yearly business which Press Products did with Chrysler from 1952 to 1955. In March, 1955, Press Products was sold to another company. After a splitting of the profits, this temporarily ended the Newberg-Stone business tie.

BUT their connection was soon resumed. In May, 1955, Stone incorporated Bonan Co., also chartered to manufacture small parts. Though Dodge then had several arm-rest suppliers, Bonan soon was given the job as its arm-rest supplier. Newberg owned a 50 per cent interest in Bonan, though there, too, his name did not appear on any corporate paper. According to Stone, he told Newberg one night that he was going to set up Bonan and said: "Bill, if you want in, you're welcome."

Bonan supplied Dodge and other Chrysler cars until September, 1958. Its assets were then sold to another Detroit parts manufacturer. Bonan itself was converted into Sango Corporation, a firm dealing mainly in gas and oil development, though with some business ties in the auto industry. Newberg held all his stock in Sango until a year ago, when he began to sell out to Stone. Newberg was by then executive vice president of Chrysler. It is not clear even now just how far Newberg's liquidation of outside interests had gone before he was dismissed.

Since dissident stockholders had obtained information on the outside holdings, Chrysler apparently feared that the matter would wind up in court unless it took rapid action. Whatever the motivation, on June 30 Newberg was out.

Three weeks later, Chrysler announced that Newberg had agreed to repay some \$450,000 from the profits he had made in the supplier firms. There are reports that the actual profits earned were much higher.

Newberg himself has wholly disclaimed any notion of impropriety in his actions. According to him, he entered into his relationship with the supplier companies "in the belief that they were in the interest of the corporation and that no question of illegality or impropriety was involved." That may be true, but, if so, one wonders why Newberg's interests in the suppliers were hidden.

In August, two months after the resignation of Newberg, a stockholder's suit was brought to have a receiver appointed for Chrysler "because of the gross and unconscion-

able management" which has carried out "fraudulent schemes" against the company. The petition cites a number of specific conflict-of-interest cases which are alleged to involve top Chrysler officials. Whether the allegations in the petition will stand up in court cannot, of course, be known. That they have been made indicates that there may be more amiss in Chrysler than the Newberg case.

Chrysler's top management, at any rate, apparently thought so, for it set up an investigation. The probe has been carried on both by Chrysler's own attorneys and the law firm headed by Thomas E. Dewey. It has led to the firing of Jack W. Minor, director of marketing for the Plymouth-DeSoto-Valiant division of Chrysler. Minor, by virtue of a half-interest in an advertising firm, allegedly received \$20,000 in sales commissions on Chrysler business handled by that firm.

THE NEWBERG and Minor cases raise the obvious question of whether they reveal a common pattern of high executive behavior. According to *Business Week*, the Dewey firm was hired by Chrysler largely at the insistence of the Prudential Life Insurance Company, which in the words of a man close to the scene "insisted [Chrysler] get a completely independent firm" to direct the probe. Interestingly enough, the president of Prudential, Carrol Shanks, has since become involved in his own conflict-of-interest case.

This case arose out of Shanks's position both as head of Prudential and director of Georgia-Pacific Corporation, the nation's leading plywood producer. Prudential has been a key source of loans to finance Georgia-Pacific's nearly tenfold expansion in the past decade. In the four years since Shanks has been on Georgia-Pacific's board, Prudential has loaned that company over \$50 million.

In the transaction under discussion, Shanks participated personally, rather than as head of his insurance company. Last May, he bought Timber Conservation Company, a large owner of timberland. He immediately

sold the company to a subsidiary of Georgia-Pacific. To finance his purchase, Shanks put up \$100,000 and borrowed an additional \$3,900,000 toward the \$8,400,000 purchase price. The remaining \$4,400,000 was put up by Georgia-Pacific. In return for his participation, Georgia-Pacific agreed to pay Shanks, as it harvested the lumber, enough so that he could pay off the principal and interest on his \$3,900,000 loan, as well as receive back his own \$100,000 plus interest.

What, it may be asked, was really behind this complex deal? Georgia-Pacific was able to acquire the timber company without having to increase its already-spiraled long-term debt or run the risk of an anti-trust action which might have followed had it directly acquired another company. But Shanks, too, stood to benefit personally by a \$400,000 saving in income taxes. This was true because he could deduct the \$150,000 yearly interest on his \$3,900,000 loan from his annual income. At the same time, the amount which Georgia-Pacific was to pay him to cover his interest could be treated as a capital gain, subject to a tax limited to 25 per cent. Shanks said, "My tax attorneys assured me it was perfectly valid and is done all the time."

Public disclosure of his action led Shanks to dispose of his investment in September, because, as he put it, it was impossible to provide Prudential's policyholders "with a reasonable perspective in this matter." The type of perspective he meant is indicated by his statement that "It seemed at the time, and it still seems, the kind of transaction in which men in high-salary brackets can gain a reasonable amount of financial independence." That such independence was to be gained at the expense of the United States Treasury by what was, in effect, a personal loan to a company which was customarily a borrower from Prudential, so that Shanks was, in a sense, competing with his own company — this apparently was irrelevant.

As was true of the Newberg case, one will immediately ask whether the Shanks transaction illustrates common practice. We have the Shanks assurance, already quoted,

that it "is done all the time." An article in *The Wall Street Journal* underscores the accuracy of this assertion. It is true, says the article, that many corporations prohibit such dealings. On the other hand, "Other companies do not object. . . . They say certain transactions of this type are of great benefit to the company. If an officer or director profits personally . . . , that's incidental."

IF the Newberg-Shanks type of conflict of interest is thus widely prevalent in industry, it has far-reaching implications. There is, in the first place, the question of legality. The New Jersey Commissioner of Banking and Insurance, who investigated the Shanks transaction because Prudential is a New Jersey-based corporation, found nothing warranting any action by the state. For, surprising as it may seem, conflicts of interest of the Shanks type do not violate the legal duties imposed upon corporate officials.

In this respect, there is a sharp difference between present American law and the English law from which it is derived. In England, corporate officials are under a strict disqualification from entering into the Newberg or Shanks type of transaction. "So strictly is this principle adhered to," declares the leading English case, "that no question is allowed to be raised as to the fairness or unfairness of a contract so entered into."

This was once the American law. During the present century, however, it has been drastically modified. Today, in most states, more than a conflict must be shown. In the words of a New York case . . . "There must be a charge, supported by assertions of fact, that [directors] were improperly influenced by the situation in which they found themselves."

Under the English rule, corporate officials are treated as fiduciaries, i.e., trustees; they are completely barred from transactions in a personal capacity with those to whom they stand in a trust relationship. Under American law today, the corporate official is not considered a fiduciary with regard to such transactions, which are at most voidable at the election of the corporation, if

concealment or unfairness is shown. The result is well stated by Louis D. Brandeis:

To hold such contracts merely voidable has resulted practically in declaring them valid. It is the directors who control corporate action and there is little reason to believe that any contract, entered into by a board with a fellow director, however unfair, would be subsequently avoided. Appeals from Philip drunk to Philip sober are not of frequent occurrence, nor very fruitful.

Corporate directors and officers are spoken of so often as trustees in their relation to stockholders that it comes as an anomaly to note that the law does not actually hold them to the fiduciary standard. As Brandeis puts it, "The surprising fact is that a principle of equity so firmly rooted should have been departed from at all in dealing with corporations."

It may be argued that such a strict standard would unduly discriminate against corporate executives in a society in which the type of practice under discussion is all too prevalent. But this argument ignores the almost awesome position of the corporation in present-day America—not merely from the point of view of bare power, but also from that of setting the tone of the society. The correlative of corporate power must be that of corporate responsibility.

Nor is it an answer to say that corporate officials can be relied on to act in the best interests of their companies and stockholders. Typical of this attitude is the reply given by Georgia-Pacific chairman Owen

Cheatham to critics of his firm's permissive attitude toward executives' personal dealings with the company: "We've never done anything, anywhere, that hasn't been good for Georgia-Pacific." To the outsider, this seems all too reminiscent of the responses of Dave Beck and Jimmie Hoffa when their personal dealings with union funds were revealed.

THE problem of corporate conflicts of interest is far from a new one. The famous Pujo Committee investigation of a half-century ago graphically showed the problem to be a key one. To deal with it, the committee proposed a broad legislative prohibition of conflicting interests on the part of directors and officers, including self-dealing contracts. The passage of such a federal prohibitory law still remains essential to any resolution of the problem.

Aside from statutory prohibition, the greatest need is for compulsory disclosure. The present rules of the Securities and Exchange Commission require disclosure only of "material" corporate conflicts of interest, and of transactions only where the interest of the insider is worth over \$30,000, or amounts to over 10 per cent of the corporation's total sales or purchases. The law should be tightened up to require disclosure of *all* conflicting interests.

Since the publicity attendant on the Newberg case, a great many corporations have been looking into the situation among their own executives. "Conflict-of-Interest Crackdown," reads the headline of a *Business*

Week article. Such a term is, however, misleading. These corporate investigations are being conducted by questionnaires and interrogations. They have no legal sanction behind them. One of the directors of the Chrysler self-probe was asked: What happens if an executive refuses to answer questions or produce records? "Nobody is forced to produce records," was the answer, "but they are doing it without hesitation." One may query how the investigator can be sure of this, without the subpoena power. And it is to be noted that the Chrysler self-investigation exonerated the top management.

A full-scale Congressional investigation of the true situation with regard to corruption is needed if we are to learn corporate conflicts. Inquiries are, in fact, currently being planned by both Senate and House committees.

The problem of corporate morality is, however, so basic in our society that one may wonder how far even Congressional investigators will be willing to dig. Corporate conflicts are but a part of the ethical problems in a society infected by what C. Wright Mills terms the "higher immorality." In a business-dominated community, nevertheless, "corporate payola" is a basic cause of our present moral malaise. If the corporation remains exempt from the moral code, it will tend, like the cheap coin of Gresham's Law, to drive out adherence to proper ethical standards throughout the society. In any case, a house that is morally divided against itself is hardly an enduring structure.

Court-Martial Vacuum . . . George A. Spiegelberg & Milton Ackman

OVERTURNING precedents which had obtained in courts on American soil since before the Revolution, the Supreme Court of the United States, in a series of decisions handed down between June, 1957, and January, 1960, has declared that "persons serving with, employed by or accompanying the Armed Forces outside the

United States" may not be tried by courts-martial.

The effect of these decisions is to make uncertain what authority, if any, has the power to punish wrongdoers among the 25,000 civilian employees of our Armed Forces, and the 455,000 civilian dependents, who are now scattered among more than

ninety countries throughout the world. The number of persons affected by this serious "jurisdictional vacuum" may be reduced somewhat if the Administration's recent orders for a cutback in overseas dependents take hold. But the fact remains that, short of a sensational change in the international scene, tens of thousands

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of American civilians connected with the Armed Forces will be living abroad for many years to come — and that among them will be law-breakers who must be tried and punished by some kind of court.

In reaching its precedent-shattering conclusions, the Supreme Court felt that it had to weigh what it thought to be opposing Constitutional rights. On the one hand, Article III, Section 2 of the Constitution grants the right to trial by jury in a criminal case; additionally, the Fifth Amendment states that “no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury.” On the other hand, the Fifth Amendment stipulates that presentment or indictment by a grand jury is unnecessary “in cases arising in the land or naval forces,” while Article I of the Constitution specifically gives Congress power “to make rules for the government and regulation of the land and naval forces” and gives it the right “to make all laws which shall be necessary and proper for carrying into effect the foregoing. . . .”

IT IS FAIR to say that until the Court, in June, 1957, reversed a decision it had made only a year earlier in the same case, every American court had given credence to the argument that those employed by, attached to, or accompanying the military “in the field” were subject to military law. In fact, the Supreme Court in 1952 upheld the conviction of a civilian accompanying the Army in time of peace who was tried by a court (appointed by the Executive to sit in the American zone of Occupied Germany) which had much less constitutional validity than a court-martial. It is wryly amusing that in the 1952 case the Court denied the defendant’s claim of a constitutional right to be tried by court-martial; the less well-validated court was deemed sufficient.

The above line of thinking would appear to coincide with the intent of the framers of the Constitution who were aware that civilians constituted an important part of the Continental



Army, and that more than one-sixth of the Articles of War — the law governing our Armed Forces, adopted in 1775 and revised the following year — were devoted to trial by courts-martial of various classes of civilians serving with the military. (Included among these classes, be it noted, were “camp followers,” those perennial sources of romantic inspiration for the historical novelist. Contemporary Army orders indicate that each company of troops was allowed daily rations for the distaff members who accompanied them.)

One hundred years before the adoption of the Federal Constitution, England had permitted trial of her soldiery by court-martial in times of peace as well as in times of war. From that time — a time when civilians attached to the Army were regarded as part of the military — through the Revolutionary War, and for six years thereafter until the adoption of the American Constitution, first the colonials and later the citizens of the several states were in much closer contact with the soldiery than they were for seventy years thereafter. They therefore understood the logic whereby civilians attached to the Army were counted as part of the Army and tried by its courts. Alexander Hamilton, who well knew that such civilians were commonly subject to court-martial jurisdiction, in discussing the constitutional grant of this power, said:

These powers ought to exist without limitation; because it is impos-

sible to foresee or to define the extent and variety of national exigencies and the corresponding extent and variety of the means which may be necessary to satisfy them. . . .

How prophetic this statement was even Hamilton could not have foreseen!

The exercise by courts-martial of jurisdiction over civilians serving with or attached to the Army had been consistently upheld by the lower courts and by the Supreme Court in those cases reaching it.

Had certain historical material along these lines been presented to the Court in 1957, it is difficult to believe that the pre-existing law would have been overturned. Moreover, while basic law in this country is often established by narrow margins, the margin has never been narrower than in this instance. When the question was first presented in 1956 (*Reid v. Covert*, 351 U.S. 487), courts-martial jurisdiction was upheld. Over that summer, however, Mr. Justice Harlan changed his mind, voting in favor of a re-argument of the case. This fact, together with certain intervening changes in the Court’s personnel, resulted the following year in a direct reversal (354 U.S. 1).

Of course, no one except the participants knows what went on behind the closed doors of the judicial conference room. It is clear from the majority opinion, however, that the reversal was based in part on the questionable fairness of basic court-martial law:

Courts-martial are typically *ad hoc* bodies appointed by a military officer from among his subordinates. They have always been subject to varying degrees of “command influence.” In essence, these tribunals are simply executive tribunals whose personnel are in the executive chain of command. Frequently the members of the court-martial must look to the appointing officer for promotions, advantageous assignments and efficiency ratings — in short, for their future progress in the service. — *Reid v. Covert*, 354 U.S. p. 36.

In both the post-World War I and post-World War II eras, civilians serving in the U.S. Armed Forces

were shocked by court-martial law, which permits the officer who convenes the court to determine what charges shall be brought; to pick the court, the prosecutor, the defense counsel and the legal adviser to the court; and, finally, to pass in the first instance upon the sentence imposed. Postwar efforts to correct this situation by legislation which would make the court-martial independent of the commanding officer were bitterly and successfully opposed by the military. Apparently, Congress was persuaded by the military's argument that unless it retained command control of courts-martial, this country could not win a future war.

The Armed Services have never been able to distinguish between enforcing discipline and dispensing justice; nor will they realize that discipline has been enforced when a member of the Armed Forces is held on charges. To deny a fair trial after charges are preferred is a deterrent to, rather than an encouragement of, good discipline.

It is indeed ironic that the Armed Forces' narrow-mindedness in this regard may now deprive them of what they consider essential: the disciplinary control over their entire command, civilian as well as military.

WHATEVER may be thought of the Court's latest decisions, they exist; they are the law of the land, and they present problems which may never be solved.

For the first time in our history we are faced with the problem of maintaining large military forces in many areas of the world on a more or less permanent basis. It is no mean problem to deal with the law-breakers among the nearly 500,000 civilian employees and dependents of these military forces when no one knows what, if any, jurisdiction has the authority, or, granting the authority, the power to enforce effectively the sanctions which should follow the commission of crime. Yet that is only part of the issue.

In the belief that support for the action could be found in the Constitution, the United States entered

into a series of Status of Forces Agreements with friendly countries throughout the world; these, generally speaking, envision the trial by military law of American civilian personnel connected with our Armed Forces. It is clear that the Supreme Court's latest decisions have struck down the effectiveness of these agreements. It also seems clear that civilians already convicted by court-martial, and now serving sentence in the United States, are subject to a general jail delivery through exercise of their right to *habeas corpus*. This in itself may not present too great a national problem. But what is to be the fate of those whose crimes are yet uncommitted and, perhaps more important, what is the overseas commander to do in order to maintain discipline and administer justice within his command?

THESE questions were posed to the Court by the Government in its unsuccessful attempt to uphold the applicability of military law. The Court, obviously vexed by the difficulties that its own decisions raised, suggested various possible alternatives to court-martial jurisdiction:

¶ It was suggested, in certain of the opinions, that consular courts might be employed, although it was recognized that courts of this type belong to a vanished era of colonialism, the last of them having been abolished by the Congress about four years ago. Moreover, it is not at all certain that such courts, if reconstituted, would now have Constitutional sanction with respect to American citizens serving overseas.

¶ It was suggested that American courts recognized by the Constitution might sit abroad as they do at home. But this suggestion creates more problems than it solves. It would require the maintenance of courts in more than sixty foreign countries. It would be difficult, if not impossible, to procure a non-biased jury of the defendant's peers, since there could be no compulsory process requiring foreign citizens to sit on juries; and, even if there were, there would be no way of overcoming the language barrier. The crea-

tion of such courts would require a treaty with each nation involved; and friendly as the nations might be, all or some of them would object to the presence of a foreign court enforcing foreign law on their soil.

¶ Trial in this country for crimes committed abroad by American civilians was also suggested. This procedure would prove impracticable in the vast majority of cases because of the expense involved and the difficulty of producing witnesses whose presence, if they are non-American, could be procured only on a voluntary basis. The consequent delays might often result in the defendant's invoking the Sixth Amendment of the Constitution which requires a speedy trial (this has been done successfully under somewhat similar circumstances).

¶ Similarly, it was suggested that the American civilian might be tried by the local criminal authorities in the jurisdiction in which the crime was committed. Proponents of this course point out, correctly, that in many jurisdictions abroad the administration of criminal justice is at least as swift and just as in our own country. On the other hand, it would seem that to subject Americans charged with crime to trial under laws, rules, customs and language of which they are ignorant, might place them under a greater handicap than would trial by military law.

And, admitting that this solution may be possible in many countries, it is difficult to conceive of its application in many others. Islamic law, for instance, provides in capital cases — whether the killing is intentional or not — either for capital punishment or for the payment of blood money at the option of the next of kin of the deceased. The punishment for adultery by a woman is stoning to death. Lashing is frequently resorted to as the punishment for lesser crimes. Some countries still require mutilation as the punishment for certain crimes.

Laws like these conjure up pictures not easy for the Westerner to contemplate. But there is a greater difficulty involved: Islamic law is believed to be applicable only to

Moslems, and it is to be doubted whether civilians accompanying the U.S. Armed Forces number among them many Moslems. There is a general belief that, in Islamic lands, some form of occidental law is applicable to non-Moslems, but except in Iran — where the French criminal code is clearly applicable — no one is sure what occidental law could or would be applied.

It would seem, then, that presently available alternatives to courts-martial for the trial of U.S. civilians abroad are either impracticable or undesirable. If the trial is to be in an American court (and some of the difficulties with that procedure have been mentioned), Congress would have to extend the applicability of the American criminal code to offenses committed outside the United States. This it would be loath to do in the absence of relevant treaties with the countries involved; and, as already suggested, it is by no means certain how many countries, however friendly they may be, would be willing to sign such treaties.

THE Supreme Court's latest decision does not utterly wipe out the jurisdiction of courts-martial over

United States civilians employed by, attached to, or accompanying the Armed Forces abroad. Military tribunals could still be used in cases where the defendants waived their rights to indictment by grand jury and trial by a jury of their peers (these rights are personal to the accused, and may be waived). American courts, however, have always carefully scrutinized any claim of waiver and have usually struck it down unless made in open court after the accused has been advised of his rights. It may be possible to devise some procedure whereby these basic rights may be effectively waived, but no one can say at this time what view the courts might take of its constitutionality. And the introduction of a waiver procedure might discourage many civilians from accepting employment abroad with our Armed Services.

One aspect of the situation — perhaps the most important — has not yet received mention. How is the military officer, responsible for the proper administration of his area, to enforce law and order with respect to civilians brought by law within his command, yet over whom he has no judicial jurisdiction? The

power to arrest is surely left him, but this power alone may easily be inadequate — and, indeed, may be pregnant with danger to the whole fabric of the American judicial system. This would be especially true in some prolonged period of emergency — a military "alert," for instance, that might necessitate holding the civilian prisoner in custody, incommunicado, for a long period of time, without opportunity for trial or a hearing of any kind. It would be ironic if the blow for constitutional freedom which our highest Court believes it struck in holding military law inapplicable to civilians in time of peace were to result in the re-institution of the *Lettres de cachet* made infamous in France in the eighteenth century.

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THE ORDEAL OF ASHTON JONES

PERILS OF BROTHERHOOD . . by Harold Flender

A FRIEND who is a member of the American Civil Liberties Union first told me about him. "He's a pacifist, but not a nut. Quite often pacifists are also vegetarians or nudists or something like that. But not the Reverend Ashton Jones. Besides, he doesn't preach pacifism much these days. It's gotten him into too much hot water with the federal government, especially overseas,

HAROLD FLENDER, novelist and TV writer, is the author of Paris Blues, a story with an interracial theme which will soon be released as a movie.

where the State Department took away his passport and had him shipped home on the ground that his preachings were prejudicial to the best interests of the United States. Now he preaches brotherhood throughout the states."

"And the federal authorities leave him alone?"

"Yes, but the local authorities give him a hard time, especially in the South, where he defends brotherhood as integration. He travels in a truck decorated with a white and dark hand clasped together and the word 'love' printed above the grillwork. He's been jailed nineteen times, giv-

en the sweatbox treatment, pushed down a flight of stairs, beaten with a rawhide whip, had his face cracked open, and almost drowned. I understand the American Civil Liberties Union is backing him because they feel the treatment he's received, particularly in Shreveport, Louisiana, violates the Constitution."

My ACLU friend arranged for me to meet the Reverend Ashton Jones in an upper West Side New York apartment, where he was staying with friends while waiting for his trial to be called in Shreveport.

Mr. Jones's face reveals his sixty-three years, although his tall, thin

body is that of a younger athlete. His handclasp is warm and vigorous, he smiles broadly and easily, and he speaks in the thick Southern drawl of the state where he was born and bred — Georgia. He is an ordained Methodist minister, but for the past twenty-nine years has been an itinerant preacher sermonizing about — and, what he thinks more important, practicing — the brotherhood of man under the Kingdom of God.

“BUT how do you practice it, Mr. Jones?” was one of my first questions after we were both comfortably settled on a couch we shared with the *New York Post*, Linus Pauling’s book, *No More War* and *An Anthology of Jewish Authors*.

“First,” he said, “I’d prefer if we called each other by our first names. For many years I’ve been associated with the Quakers, and I think their calling one another by their first names is a splendid idea. So, if I may, I’d like to call you Harold, and you call me Ashton. Okay?”

“Okay.”

“The most important problem involving brotherhood in America today is integration. I live it by living with Negroes. I believe my wife and I have lived with more Negro families than any other white couple in America. And when I can, I participate with Negroes in their sit-in demonstrations. That’s how my present difficulties started.

“It began in Dallas, Texas, last Easter Sunday. I participated there in a sit-in with the Reverend T. D. R. V. Thompson at Kress, H. L. Green and Saenger’s Department Store. Everything went along smoothly and peacefully — no violence, no ‘incidents.’ But the story was carried in newspapers and on the air and people all over the South found out what had happened.

“I left Dallas the next day on my way to Atlanta. At Marshall, Texas, about 135 miles east of Dallas, I spoke to the students on the campus of the all-Negro Wiley College and, as I left the campus, the sheriff of Marshall had me arrested, charging me with vagrancy.

“I pointed out to him my fully equipped trailer truck and the fact

that I had \$89 in my wallet, but it made no difference to him. I was held incommunicado, and when I asked to use the telephone to call my wife, I was beaten with a rawhide whip and put into a sweatbox cell. After I was released from the sweatbox cell, the sheriff pushed me down a flight of steel steps. His deputies made sure I got to the bottom by kicking me along the way. At the trial, the judge defined a vagrant as ‘a hobo, a tramp, a bum, without any visible means of support,’ said I fitted this description, found me guilty, and fined me \$200 plus \$28 court costs, or ninety days in jail.

“After I spent ten days in jail, my wife got the services of a lawyer, Franklin Jones, who raised \$450 for the bond. I was released after spending fourteen days in jail. The case is now being appealed to a higher court. While in jail, my trailer had been broken into and my clippings, letters of introduction and files containing the names of over a thousand friends here and overseas, were destroyed.

“I DECIDED to drive straight through to Atlanta without stopping. It had been my plan, when I left my home in San Gabriel, California, to be in Atlanta about June 1 to bring my sister and her friend to California to visit with us.

“About ten miles before Shreveport, I noticed that I was being followed by a police car. This kept on for about five miles, until I stopped at a roadside diner for lunch. The police car stopped alongside mine, and the two policemen followed me into the diner. It seems they had heard all about me from the sheriff in Marshall, and they wanted to make sure I would leave town immediately. They refused to let me have any lunch. Instead, they forced me back into my car. One officer sat beside me, and the other followed us. I was taken to the Chief of Police — his name is Teasley — who ordered me to leave town. I told the chief that he was violating the U.S. Constitution by interfering with my civil liberties and freedom and that I had the right to travel wherever I wanted to in the States. Chief Teasley conferred with the



Police Commissioner and told me they had decided to let me go.

“I was still hungry, not having had lunch, so I went into a Negro restaurant for a bite to eat. No sooner did I sit down at the counter than the two policemen came in and arrested me again.

“The charge was vagrancy and the bond was set at \$375. The jailer who led me to the cell with the other prisoners said: ‘I can kill you in the name of the Lord, for what you are doing will bring about bloodshed between white and colored.’ He then showed the other prisoners in the cell a newspaper picture of me shaking hands with a Negro professor from Wiley College. After he left, the other prisoners started to use me as a punching bag. They worked me over for at least half an hour, beating me so badly that I had to have four stitches in my jaw. I was placed in solitary confinement until my trial four days later.

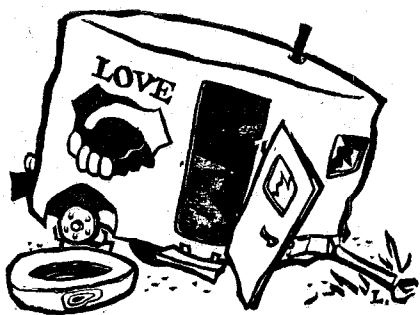
“At the trial, it was decided that I had to submit to psychiatric observation; and for seventeen days, I was observed by Coroner Butler and his investigator, Mr. Homer Bryant. During this time, Mr. Bryant told me that he was a member of the White Citizens Council.

“I was released on June 6 and tried on June 10. My wife had obtained the services of a lawyer, Mr. Jesse Stone. He was busy with another case on the morning of the trial date, and asked that my case be postponed a week, or at least until 3 P.M. of the same day. Judge Randall Whitmeyer refused. Without counsel, I was tried on charges of disturbing the peace and vagrancy,

found guilty and sentenced to serve eight months on a prison farm.

"The other prisoners of the farm had obviously been tipped off as to my feelings on integration, for within one hour after my arrival, they gave me a terrible beating, one after the other, smashing me in the head and face, kicking me all over my body. They also clipped all the hair off my head and body, even to my eyelashes.

"They let me alone until the following Sunday, which was visitors' day. I was most heartened to find three local people coming to see me, a young couple, Mr. and Mrs. John Downes, and their friend. They had attended the trial and had become interested in my case. They had tried



to see me in jail, but were refused. Mrs. Downes, a free-lance writer, had been asked by the *Texas Observer*, a weekly journal printed in Austin, to do an article on the trial. This was printed in the June 24 issue, and resulted in Mr. Downes's being fired from his job and forced to move to Austin. His boss didn't like the idea of his wife's writing an article that was so sympathetic to someone who believed in integration.

"Right after my visitors left, my fellow prisoners got to work on me again while the prison trustees looked on. I was tied to the top of a steel bunk and drenched with water from jars and buckets. Then they ripped off all my clothes and beat me with towels and fists for thirty minutes.

"There were some inmates who became friendly, but they couldn't do anything to stop the horrible beatings given me by the other prisoners. On one occasion, I was tied by my feet to the top steel bars and left swinging head-down with my shoulders barely touching the

bunk. I was worked over brutally. During the night the prisoner who had beaten me the worst repented, and asked me to forgive him for what he had done to me. Of course I did, and we became good friends.

"But the beatings by the other prisoners continued, and one time I was taken out to the lake on the farm and pushed under the water and held there some twenty-five or more times.

"The beatings were so cruel and horrible that I felt if my body didn't break, my spirit surely would. I was in terrible pain and my nerves were in an awful condition. For the first time in my life, I felt myself on the verge of a nervous breakdown.

"THE appeal in my case finally came up and a \$500 bond was asked for my release. Mr. and Mrs. Downes offered to post the bond, but when they arrived with the money, they found that Judge Whitmeyer had decided to increase the amount to \$1,500. And so I had to remain in jail for several more days until an additional \$1,000 could be found. On July 14, 1960, I was released.

"While in prison, the outside of my car, with its messages of brotherhood, was ruined beyond repair. Once again, the inside had been broken into and my papers stolen. One of my new rear tires had been slashed, and I had to pay \$44.88 storage charges.

"I am now waiting for the date of the appealed case to be set. I think

it'll be some time in December."

"Then you'll be going back to Shreveport?" I asked.

"I have to be present at the trial."

We sat for an hour or so more in the living room of his friends' comfortable West Side apartment. We chatted about the over-all integration picture in the South. Mr. Jones was optimistic. He pointed out that more and more schools and restaurants were opening up on a desegregated basis. It was his opinion that the segregationists were very conscious that world opinion was against them and were sensitive to critical publicity. Therefore he felt that the publicity involved in his own trial would aid the cause of integration.

We also spoke of his family — his wife, who almost always travels with him, his two children and six grandchildren. His son and daughter, both from the Deep South, disapprove of their parents' activities, and will have nothing to do with them. Mr. Jones forgives them, explaining: "They just want to be popular."

When it was time to go, Mr. Jones walked me outside the apartment to the elevator. He leaned his rangy body against the hall wall, smiled broadly, and said in his deep Southern drawl: "It certainly was wonderful of you to come up here to see me. I hope to see you again."

The elevator arrived at the floor. I wished him good luck, stepped inside, and watched the door close on the anxious but determined face of the Rev. Ashton Jones.

Cuba's Frenzied Culture

by Stanley Meisler

IN ARTES PLASTICAS, one of the government cultural magazines spawned by the Castro revolution, Manuel Diaz Martinez writes that "the artist must learn to help purify the revolutionary conscience of our Latin American brothers without ceasing to be an artist, without submerging his art in politics." These words — surely contradictory — bare the dilemma of culture in Cuba today. Like all other revolutions, the

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Cuban upheaval of social and political institutions has stimulated a companion effort to uproot cultural institutions and nourish new and vital theatre, music, art, movies and writing. But this new culture can also wither under the upheaval's propaganda demands. In Castro's Cuba, no one doubts that cultural life today is busy, almost frenzied, but no one can be sure it is vital.

Havana offers abundant evidence of activity: commercial and government playhouses show a varied theatrical fare. Foreign ballet and musical troupes,

some of the world's best, visit the city often; seats are available for the government admission price of 25c. Alicia Alonso has organized a *Ballet de Cuba*. A new symphony orchestra is under way. Young artists and sculptors receive exhibitions in the old museums. A government movie institute turns out lavish documentaries. Government presses print classics, contemporary Cuban fiction and a host of cultural magazines.

Do Cubans take advantage of these opportunities? The evidence is contradictory. On a recent Sunday afternoon, I attended performances of *Los Santos* (The Saints) by Pedro Salinas and *Los Fusiles* (The Rifles) by Bertolt Brecht in the auditorium of the Palace of Fine Arts. The Ministry of Education had presented the one-act plays as part of a government commemoration of the Spanish Civil War. The auditorium seats 400, but no more than sixty persons showed up by curtain time. Later I caught a new play, *El Filantrop* (The Philanthropist) by Vergilio Piñera, in the National Theater on the Civic Plaza. The Theater, also under the direction of the Ministry of Education, had commissioned the play, a satire attacking the rich for giving alms to the poor and then enslaving them. A thousand people can be accommodated in the house, but only seventy-five attended the performance.

This lack of attendance could mean Cuban discrimination rather than Cuban neglect, for both performances struck me as amateurish. The seating picture changed drastically one night when the government offered a proven product—Bhaskar, India's Hindu ballet. I could not attend, but Paul Ash, a New York businessman, made an attempt and then jotted down these notes:

At 8:30 P.M. there was a crowd of about one hundred at the National Theater's ticket desk. All the seats had been filled. People kept coming, learning the situation and leaving, but at 9:30 the crowd outside must have been 150. Every time someone who had bought tickets in advance entered the theatre, loud jeers and complaints ensued. Three police cars arrived, and the police kept the crowd from forcing its way in. A man in a T-shirt and two others, newspapers in hand, kept pointing out to the ticket sellers that the ad said admission was 25c and that's all. They demanded to pay the 25c and get in. The great noise outside apparently held up the start of the program. At 9:45 a very young-looking, blond policeman jumped on the ticket table and announced all would

be able to enter and stand. There was a mad scramble. By 10:15 most were inside, and I left. I had already been standing since 8:30.

I discussed cultural activities one day with Dra. Vicentina Antuña, the director of culture in the Ministry of Education; Sra. Marta Jiménez, a member of the Foreign Ministry's cultural department; and Fausto Masó of *Casa de las Americas* (House of the Americas), a new organization trying to spread Cuban culture throughout the hemisphere. Dra. Antuña, coming from an older generation than many of the revolutionary leaders, stressed that much of the current cultural activity involves revitalization of dormant and corrupt projects rather than simple innovation. The government, for example, recently awarded scholarships to sixteen young painters and writers; similar awards were made under the Batista regime. Dra. Antuña said, but they usually fell to friends of the dictator who pocketed the money without bothering to study. On the other hand, Sra. Jiménez and Masó, both in their twenties, stressed that the revolution is giving young artists and young ideas their first chance. A government play competition, for example, has been started to stimulate young, native playwrights. But results have not been extraordinary. "It is very hard," Masó said.

Dra. Antuña, Sra. Jiménez and Masó seemed most proud of three accomplishments: work in the provinces, the National Press, and the Cuban Institute of Motion Picture Art and Industry. In the past, a Cuban might find culture in Havana but nowhere else. Under Castro, the Peking Opera, the Georgian Dancers, the *Ballet de Cuba*, the Khachaturian Orchestra, Bhaskar—all have toured the provinces after their runs in Havana. The National Press operates in the plant of *La Marina*, a newspaper shut down under Castro, and turns out thousands of paper-bound books that sell on street corners for 25c each; the first run of titles includes *Don Quixote*, *Robinson Crusoe*, *Marco Polo*, a biography of Simón Bolívar, and a history of the French Revolution.

The Cuban Institute has brought the island its first movie industry, issuing more than two dozen documentaries. These documentaries probably represent the most effective cultural achievement of the Castro regime. By their very nature however, they focus on propaganda, not art. Using young Cuban technicians and veteran hands from Mexico and Italy, the Institute has produced documentaries that extol the revolution, describe Cuban life, and dis-

cuss agricultural techniques. The foreign help is impressive. Italy's Cesare Zavattini, who wrote *The Bicycle Thief*, *Umberto D* and *Miracle in Milan*, has written a pair of scripts. Mexico's Luis Buñuel, director of *Los Olvidados* (The Forgotten) and *Nazarín*, arrives soon to direct a movie. So far the Institute's work has comprised only short documentaries, but two full-length features, *Cuba Baila* (Cuba Dances) and *Cuentos de la Revolución* (Stories of the Revolution) are now in production.

I SOUGHT an Institute documentary one afternoon and found it at La Rampa movie house. The experience was frightening. As the film opened, a forceful, strident, almost pleading voice cried out from the screen. The audience burst into thunderous applause. The words, the voice belonged to Fidel Castro. Cheers and foot-stamping followed, and I suddenly felt alone, caught in the eye of a storm. Throughout the movie, the clapping, the cheering, the stamping thundered around me at every glimpse or sound of Castro. Martial music intensified the excitement.

The movie, *Patria O Muerte* (Fatherland or Death), told its story effectively. The quotations that opened the movie came from Castro's speech last May 1 to a crowd of at least a half million Cubans in Havana's Civic Plaza. The rally with all its brilliant color and excitement then filled the screen. The movie followed a pattern: between shots of marching Cubans at the rally, it fitted sequences showing accomplishments of the government in education and culture, the year's work in agrarian reform, and the progress in industry and labor. Then, after another return to the rally, the movie suddenly showed dramatic scenes of incendiary bombs burning fields, destroying Cuban progress. The narrator accused Yankee planes of dropping the bombs.

A few days after my visit to La Rampa, Jaime Soriano, reviewing *Patria O Muerte* for *Revolucion*, wrote that the sequences "have been lined up in a way that is a bit conventional and trite—in the manner of those documentaries where the inevitable voice of the announcer fills your head with explanations." Soriano concluded that *Patria O Muerte* was no innovation in the art of the documentary. Comments like that in a semi-official newspaper offer a hope that government-directed culture in Cuba is concerned more with art than with clapping, cheering and stamping. In the reality of the revolution's propaganda demands, however, such a hope must be slight.

BOOKS and the ARTS

The Shape of Ships to Come

NUCLEAR SHIP PROPULSION. By Holmes F. Crouch. Cornell Maritime Press. 347 pp. \$10.

Carl Dreher

EDITORS and reviewers cannot notice more than a fraction of the worth-while books that are published every year. Why, then, should *The Nation* devote space to a treatise on nuclear ships, replete with diagrams, tables and equations, and running into money, as all technical books do nowadays. The reason is that an occasional predominantly technical work contains material which foreshadows the future so convincingly that it merits general attention. *Nuclear Ship Propulsion* is such a book. After eleven years of active duty with the Coast Guard and six years of nuclear engineering experience, Commander Crouch knows his subject, as far as anyone can be said to know it at this stage. Possessed of a talent for lively expository writing, he has successfully bridged the gap between the amateur of ships and the marine architect and engineer. And the triumphs and tribulations of the coming nuclear ship era concern us all.

Nuclear merchant ships are not a pressing necessity and in some respects N.S. *Savannah*, now being fitted and on which much of Crouch's reckoning is based, is inferior to an oil-fired ship of her size, which is approximately that of the "Mariner" class—length 588 feet; displacement 21,840 tons; 21,000 horsepower at the propeller shaft; expected speed 21 knots. The *Savannah's* designers wisely preferred to err on the conservative side and her pressurized water reactor will deliver steam to the turbines at 460 pounds to the square inch and 475 degrees Fahrenheit, a marked retrogression from the 600 pounds and 875-degree superheated steam of a standard marine boiler. Even after experience is gained, Crouch doubts that nuclear fuel will be able to compete with oil on a dollars-per-shaft-horsepower basis. Rather, we are turning to nuclear power because a ship so driven will have productivity, self-sufficiency (fuel depots in foreign ports will be unnecessary) and range at a given speed that cannot

be equaled by an oil-burning vessel. Both cargo-to-fuel ratios and speeds will be higher. For instance, on the San Francisco to Hong Kong run via Honolulu, Yokohama and Manila (16,000 miles round trip), two nuclear-powered liners might make biweekly sailings possible.

Crouch points out that, for sheer economy, nothing can beat a sail ship. And for quite a while after steam was introduced, nothing did. It was not uncommon for a clipper shipowner to realize 25 to 50 per cent return on his investment in a single voyage. Clippers could cross the Atlantic in as few as twelve days; the competing steamships took fourteen. But the clipper might take not twelve, but twenty-four days, while the steamer could be relied on to keep to a schedule, which became shorter and shorter while cargo capacity became greater and greater. So the sail merchant ship survives only in the annals of romance and in pre-industrial areas.

Under some conditions, one pound of nuclear fuel is the thermal equivalent of 1,000 tons of oil. Even at a lower ratio, the *Queen Mary* or the *United States* could make a round trip across the Atlantic on twenty pounds of U-235 consumed, compared with the 10,000 tons of oil they now need for the same voyage. Or, at their rated speeds, they could go anywhere in the world; whereas now, at these speeds, they are limited to the shorter runs. The marine designer cannot shut his eyes to such potentialities, neutralized though they may be in part by the hazards of radioactivity and the weight of reactors and their shields.

History teaches that technology must keep moving, on peril of obsolescence. After James Watt completed his improvements on Newcomen's atmospheric steam engine, he was working with steam pressures of eight or ten pounds. His assistant Murdock wanted to go to higher pressures. Watt balked, on the ground that the boilers might explode. Hardier engineers—Oliver Evans in the United States and Richard Trevithick in England—built boilers which worked at 100 pounds to the square inch. Some of their boilers did explode—Watt was not wrong as of the moment, only as of the century. The engines which powered industry and transportation in the

nineteenth century were the creation of Evans and Trevithick, not of Watt, a great innovator who succumbed to premature technological sclerosis.

Still, taking all this into account and allowing for the immense resources of modern engineering, the problems of marine nuclear development are little short of appalling. The *Savannah*, the *Claremont* of the nuclear age, can steam continuously for a period between 600 and 1,200 days; but then her reactor core will have to be pulled and replaced by a new one, while the old one is re-enriched with fissionable uranium at a processing plant. When the reactor is shut down, the neutron reactivity ceases, but the gamma radiation, resembling X-radiation, persists. The radiation strength of the spent core is about 500 million curies! Neither shielding nor distance alone can give adequate protection. A man 700 feet away from the bare core would get a lethal dose in one hour, at 400 feet in ten minutes, at 100 feet, in one minute. After the reactor housing is opened, in itself a major job, the core must be shielded in transit from the ship to the dock and the workmen must operate behind temporary shielding moved about by cranes and other heavy lift-gear. Finally, after numerous steps which must be carried out with the "skill, precision, and determination of a dental surgeon," each fuel element—the *Savannah* has thirty-two—must be withdrawn and enclosed in a lead-steel handling "coffin" weighing about twenty-five tons, and then reloaded into transfer casks for shipping, under guard and with all sorts of precautions, to the reprocessing plant.

BUT that is not all. The spent core is hot not only radioactively, but thermally. It no longer has a heat exchanger through which it can transfer its thermal energy to the ship's turbine and hold its own temperature within bounds. Heat must be removed continuously from the core after shutdown to prevent the fuel elements from melting, an accident which would result in widespread, perhaps catastrophic, contamination of the area. An aftercooling system must be provided to accompany the core during the entire extraction process, and the coffin in which the fuel elements are temporarily housed must also be cooled.

This is also an operational problem. A combustion engine can be shut down without ceremony; not so a reactor. An

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aftercooling system, operated by an emergency power supply, must be permanently coupled to the reactor and be set in operation automatically in the event of severe trouble within the system necessitating shutdown, or external casualty such as ship collision, grounding, storms, or sinking. Whether this and other safeguards can be relied on in a disaster situation remains to be seen.

Crouch says (page 33), "there must be no reactor transition casualties of any kind," i.e., while nuclear ship propulsion is being introduced, accidents must at all cost be avoided, lest the whole development be aborted. But later (page 268) he writes, "Let us face it. Sooner or later—despite all human effort to the contrary—there someday will occur a nuclear ship accident and some radiation will be released." In such a situation, he advocates the immediate setting up of an emergency information center which will promptly disseminate information on the radiation level produced by the accident in terms everyone can understand, such as equivalences of dental and chest X-rays. In this way he hopes public hysteria can be controlled. This is a conjecture: a boiler explosion, however terrible, does not involve the aftereffects which may be present in a nuclear accident.

Another problem which Crouch discusses only briefly is disposal of operational radioactive wastes at sea. Some leaks are inevitable in a system with such intricate plumbing; and air, rust and dust become activated in the vicinity of the reactor chamber. Contaminants are collected in filters and the like, and in tools, gloves, cleaning rags and protective clothing. These wastes must be collected in hold-up (decay) tanks, processed through scrubbers, demineralizers, evaporators, filters, strippers, etc.—a chemical plant on shipboard. The high-level (more intensely radioactive) solids must then be sealed into impervious clays and other chemically inert materials and subjected to further isolation in fifty-gallon steel drums lined with concrete, for disposal at sea. Gases and liquids will be diluted to levels deemed to be safe, the liquids subsequently discharged through the ship's hull, the gases through a vent pipe in her mast. Both types of discharge will be automatically monitored, says Crouch, by fail-safe shutdown valves, and disposal will be under prescribed conditions, with the master of the ship keeping a record of all procedures. But the valving of wastes, like much else on a nuclear ship, depends on instrumentation, and instruments, as every engineer knows, go awry, especially

by instruments subjected to radiation. So the old question arises: Who will watch the watchman?

ONE mission of the *Savannah*, Crouch reveals, will be "to probe regulatory pitfalls as she moves from port to port, country to country." He foresees the need for an "over-all Nuclear Safety Certificate . . . contributed to and honored by all." We may surmise that the *Savannah* will not be warmly received everywhere. M. Edouard Le Ghait, formerly Ambassador and *chef de cabinet* in the Belgian Foreign Ministry and the author of a current book on the folly of nuclear war strategy (*No Carte Blanche to Capricorn*), tells of one occasion when the door was politely but firmly shut. During the summer of 1958, the atomic submarine *Skate* called at European ports after crossing the North Pole under the ice-cap. She was welcomed in several countries, but the Danish Government, on the recommendation of a body of scientific advisers, refused her permission to enter the port of Copenhagen. Some commentators, says M. Le Ghait, adopted "an air of condescending charity" toward the exaggerated fears of the Danish physicists—one of whom was Niels Bohr!

Crouch is concerned with commercial applications and does not discuss naval craft. One may be forgiven, however, when contemplating the nuclear aircraft carrier *Enterprise* (displacement, 83,350 tons; eight reactors; range about 250,000 miles without refueling) if one recalls the remark of the Duke of Wellington on receiving a new draft of troops in Spain. "I don't know what effect these men will have upon the enemy," said Wellington, "but, by God, they terrify me."

Crouch does not go deeply into the socio-economic aspects of his subject, but it is clear that the nuclear development, on sea as on land, could never have taken place except under government auspices. Research and development as a whole (of course much of it is mere sales promotion) is flourishing because, largely at public expense, resources have been made available to finance research in numerous fields, and on a scale generally proportional to the military and national-prestigious applications. Nuclear ship propulsion for merchant vessels would have had to wait for decades were it not for the naval prototypes.

As Crouch says, ". . . though many nuclear ship proposals have originated from private sources, all have this feature in common: reliance on the gov-

ernment for financial support." The Atomic Energy Act of 1954 makes the government sole owner of nuclear fuel. The fuel assigned to a privately owned ship must be assayed for fissionable content when the reactor core is installed. When the core is pulled, the fuel content is again assayed, and the operator pays for the fuel burned and lost during reprocessing. The fabrication of the fuel elements is done by private enterprise, the reprocess plants are privately operated but government-owned. Under these complex circumstances, the old-fashioned businessman who would rather see his business in the ash can than share his responsibilities with government bureaucrats, would be very unhappy. The shipowners, however, are a special lot. Soon after World War I, far in advance of our present swollen armament manufacturers, they discovered that the government could be a source of profit as well as a meddlesome regulator. The built-in cushions of the Merchant Marine Act of 1936, with other helpful measures, may so ease their tribulations that they will scarcely bother to deliver the customary discourses on the superiority of private enterprise.

Zazie Abroad

ZAZIE. By Raymond Queneau. Harper & Bros. 198 pp. \$3.50.

Kenneth Rexroth

RAYMOND QUENEAU is one of my favorite writers. I read *Zazie* when it came out in France and it left me inwardly rosy with delight for days. It's just a love of a book. Furthermore, Queneau is an uncomplicated writer, it would seem a typical spokesman of our international urban world. His French is simplicity itself. I have translated several of his poems and even recited them in night clubs with great success. I look with grave suspicion on anyone who says anybody is "untranslatable," short of the medieval Irish or the Eskimo. But, I don't know—something has gone from the American *Zazie*. Something got lost crossing the Atlantic. In English she seems flimsy. The sparkling language sounds forced and artificial, the situations contrived.

I went back and compared it with the French. I can't see where Barbara Wright's translation could be greatly

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improved. The trouble is that Queneau doesn't just "use" argot; the book is saturated with colloquialism, it has a colloquial soul. To translate it you would have to rewrite it. But into what? An utterly innocent, worldly *gamine* like Zazie doesn't exist in America. Over here the only creature who could say anything like the things she says would be a dreadful child spawned by progressive intellectuals, a nasty little horror. Zazie is as pure and sweet as Chaplin in *The Gold Rush*. We have plenty of B.B.s over here, and there are Beatniks in Reykjavik and Rangoon. Zazie, I fear, is absolutely *sui generis* and autochthonous.

This doesn't mean that Zazie isn't worth meeting in English if that's the only way you can ever get to know her. The translation may not be a great work of art, but it is certainly amusing reading. Zazie is a symbolic-picaresque comedy, a genre that is becoming, along

with the pseudo-confession, a characteristic form of our time. It's the story of a little girl who comes to Paris from the provinces to visit her uncle, a militantly male female impersonator, and who just wants to ride on the Métro, but who, what with one crazy thing and another, never gets a chance. It has none of the scorn and broken heart of *Lolita*, and none of the emasculating lewdness. It is as light-hearted as can be, and all very clean fun.

Roger Shattuck has an ingenious Toynbee sort of theory that the reason the French have produced so much literature criticizing and seceding from middle-class society is that France is the most middle class of all countries and the least hospitable to the native artist or writer. Maybe so. One of the funniest things about Zazie was the way it shocked all sorts of solemn and important people—not judges and clergymen, but other writers.

but we have their studios. An unnecessary color plate of a Cézanne, *Bathers*, might have been replaced by his still lifes of skulls and the plaster casts of Cupid, since photos of these are included. There are photographs of places Renoir and Monet painted; apart from captions, there is little way of telling that the scenes served as models. Bonnard's bathtub looks like a bathtub. Many photographs and color plates of recent 'School of Paris' painters and sculptors from Matisse and Rouault, ending with Germaine Richier, Bazaine and Manessier. Studios, naturally, have family resemblances. Sketches and scraps are thumbtacked up on the wall; objects big and little, old and new are collected. Picasso has three extremely pretty children; Kandinsky's color-shelves are neat as a dentist's. There is not much concentration on men at work; they posed for appearance in magazines primarily devoted to luxury trades. As for text: "The answer to everything for Segonzac is in nature. It is in communion with nature that man finds himself..." The book is well produced; is it necessary?

Art Books of the Season: Part II

Lincoln Kirstein

Documentary Albums

AMERICA'S TASTE: 1851-1959. By Marjorie Longley, Louis Silverstein, Samuel A. Tower. Simon & Schuster. \$12.50.

This large album consists of portions of pages from *The New York Times*, with supplementary photographs, reproductions of associated paintings and prints, over the last century. Pictures serve to break up monotony of close print, where one finds fascinating bits and pieces, in advertisement or news story. But how often in recent books like this one, of which there are plenty, does one come on the same photographs, particularly from 1850 to 1890? However, in the first half of our century there are a number of appealing surprises. A generous anthology, pasted up from a great documentary service; if any taste is shown it is the taste of the *Times*, not the times. For the visual arts there are many items: Alfred Stieglitz is ousted from the Camera Club; the Academy of Misapplied Art opens at the Lighthouse for the Blind, in revenge on the Armory Show; the U. S. Customs hold Constantin Brancusi is no artist; the Roxy theatre opens. Alas, it has just been torn down. But courage: the first renderings of Lincoln Center close this book, and they look like the taste of twenty, thirty, even forty years ago, but nowhere near as

glorious as the Roxy which opened in March, 1927. Lincoln Square opens in 1964 (?). Better luck, next time.

ANTARCTICA. By Emil Schulthess. Simon & Schuster. \$15.

Emil Schulthess, whose amazing book on his African journey was the prize of last holiday season's books, has now made an even more wonderful record of Operation Deep Freeze IV, the 1957-58 International Geophysical Year's scientific project. His sandy wastes and jungle greens were splendid; his sunny ice and frosty blues more so. Documentary photography at its most useful and beautiful, with no pretension of artistic comment or literary interpretation, but he makes art of vivid and poetic reportage. The vastness, cold, silence, majesty and the appalling scale of ice are all here, together with the selfless interest of observers, the comradeship of their work; the friendliness of seals and penguins. A Swiss-produced book of unusually immaculate and elegant format, it opens on the long dimension. It is worth twenty photographic yearbooks and most of the other albums.

THE ARTIST IN HIS STUDIO. By Alexander Liberman. Viking. \$17.50.

Cézanne, Monet, Renoir and Bonnard open this book; we do not see them,

VANITY FAIR. Edited by Cleveland Amory and Frederic Bradlee. Picture Editor: Katherine Tweed. Viking. \$10.

This amply produced, well-edited anthology really is a conspectus of taste in the United States during the run of that fascinating magazine. Time and again, it signaled the debut of figures and fashions now familiar to the point of legend. Frank Crowninshield took over *Vanity Fair* in March, 1914. He became as great an editor as Harold Ross of *The New Yorker*, but had a less provincial eye, a broader range; the tone he established was equally individual and distinguished. He lived when America was no longer under pressure of chauvinism; the nineteenth century was finally dead. Europe was embracing our popular arts in music and film; Crowninshield did much to make the Schools of Paris in painting, sculpture, literature and music accepted without lag in New York, the port of the country. Crowninshield had a light touch; he was no pounding crusader; nevertheless he efficiently spread the good word. *Vanity Fair* threw off an elegant, relaxed frivolity with hints of a serious edge.

Architecture

LOUIS SULLIVAN. By Albert Bush-Brown. **OSCAR NIEMEYER.** By Stamo Papadaki. **WALTER GROPIUS.**

The NATION

IUS. By James Marston Fitch. *RICHARD NEUTRA.* By Esther McCoy. *ERIC MENDELSON.* By Wolf Von Eckardt. (Masters of World Architecture.) Braziller. \$4.95 each.

Well-produced monographs, nicely organized, each with 80 pages of plates and plans, good reference apparatus, bibliographies, etc. Studies of Aalto, Corbusier, Gaudi, Mies van der Rohe, Nervi and Wright were previously published. Most interesting in the present series is Louis Sullivan; fine photographs of wonderful, unfamiliar buildings; clear details of his astonishing ornament in its fantastic logical efflorescence. The lavish exuberance of Sullivan's hand and eye; his lodged monumentality; the seemingly effortless achievement of originality within the dignity of absolute conviction, have none of the strained megalomania of Wright. All his work seems invested with a generosity in plan and invention requiring no insistent rationale and his extravagance in adornment feeds our starved eyes in an era of minimal shelter and glassed cubage. The Brazilian, Oscar Niemeyer, is an interesting designer with grandiose playfulness, a capricious fancy at once gracious, appealing and unsatisfactory. Starting from Le Corbusier's premises, his later work gets more papery, refined, yet unstudied, as if any first notion were final. Supporting members, as at Brasilia, are really not applied decoration but have a way of looking like it; in spite of curvilinear ideas, there is an over-all monotony in fenestration and modular repetition. Perhaps the Brasilia photos shown here do not do him justice. Gropius, Mendelsohn, even Neutra must have honorable chapters in history; their monuments rarely seem incandescent. One feels the puritan, the doctrinaire, the fighter, the logical, the ethical. One wants to be grateful. It's hard.

THE MASTER BUILDERS. By Peter Blake. Knopf. \$6.50.

A solid study by an able architectural critic of our three most influential designers, Le Corbusier, Mies van der Rohe, Frank Lloyd Wright. While the material is generally available in other places, the excellent arrangement here, accompanied by many apposite illustrations, takes us logically from early apprentice years to the present. Our guide accompanies these masters from site to office and drafting-board, back to the finished job. A book for laymen, but the author flatters us by assuming we can take technical problems on the

builder's terms; hence a sense of stimulating intimacy with all intermediate excitements and disappointments of trying to achieve monumental perfection in a time of imperfect patronage. The frequent confusion of priority of influences is firmly and fairly adjudicated; in the case of the U.N. General Secretariat, revealing. The tone is sympathetic; if one could have only one book on the general subject, since it illuminates the whole field by attention to the key forces, this would be it.

ARCHITECTURE IN AMERICA. By Wayne Andrews. Atheneum. \$15.

257 well-photographed, clear plates of building since colonial days. Many are unfamiliar; choice throughout, unusual and convincing. A fine coverage of mid-nineteenth century with large shingled private homes by H. H. Richardson and McKim, Mead and White. Small railway stations for the Boston & Albany, libraries and town halls offer striking comparison with Wright's later use of long, low lines and native materials. Wright's decorative detail, stamped or milled, for all his rationale of integration, seems fussy and impermanent beside Richardson's heroic pudding-stone, his finesse in craft with fieldstone; maybe he had good Italian workmen. Cast-stone is never convincing. There is a fine coverage of plutocratic castles for our Robber Barons; Newport; good illustrations of Adler and Louis Sullivan; the small sample of Maybeck cries out for much more. The start of a survey of 1920-30, heretofore hardly attempted, brings us up to date. A fine book.

ANTONI GAUDI. By James Johnson Sweeney and Joseph Lluis Sert. Praeger. \$15.

The best study of Gaudi in English. This great Catalan has become increasingly well known since Dali proclaimed him an ancestor thirty years ago. His extreme fantasy and apparent eccentricity in the use of color, forms and materials, as well as his disciples' enthusiasm tended for a long time to show him off as joke or nightmare. In this excellent (German-produced) monograph by two exemplary critics, the American until recently Director of the Guggenheim Museum, the Spaniard, professor of architecture at Harvard, Gaudi's analytical intelligence as a master of poetic science and scientific lyricism is triumphantly displayed. Extreme fantasy, daring, energy, the absolutely unfettered compulsion to make the fantastic actual, are all shown here,

naked to the underpinnings in stress-studies and planning. Gaudi was also, maybe always, a sculptor. His greatest works, with their molded, manic ingenuity are often giant toys. But they make the richest of modern building look poor. The gorgeous church in Barcelona is the final explosion of the baroque, but crystal structure serves its base in construction and decoration. An impressive man and book.

Photography

THE RECORDING EYE: A Hundred Years of Great Events as Seen by the Camera, 1839-1939. By Helmut and Alison Gernsheim. Putnam's. \$7.95.

GREAT MOMENTS IN NEWS PHOTOGRAPHY. By John Faber. Nelson. \$4.95.

The Gernsheims are prolific historians of the camera; their collection of 260 historic facts and faces is the best that exists in one volume. As their books appear, the list of early photographers increases, spreading from the British Isles and France to Germany, Italy and the English in India and China. There are many anonymous pictures of much interest: to mention a few, Queen Victoria reopening the Crystal Palace Exhibition, 1854; the transfer of power in India to the Crown, 1858; the opening of the London Underground, 1863; the execution of conspirators in Lincoln's assassination, 1865; a group of terrible pictures of reprisals in the Paris Commune, 1871; early antiseptic surgery; the Boxer Rebellion; the lying-in-state of Ludwig of Bavaria. The other book, of news photographs, has a high percentage in its 57 plates of well-worn views; the sinking of the Morro Castle, the flag-raising on Iwo Jima; a perfunctory job.

PORTRAITS OF GREATNESS. By Yousuf Karsh. Nelson. \$17.50.

FAMOUS PORTRAITS. Edited by L. Fritz Gruber. Ziff-Davis. \$10.

The Karsh album, magnificently produced in Holland, is fascinating. The dedication is to the photographer's wife, "who shared my hope and faith and helped me find the light." This light, no mere day- or electric-flash, is the light seen through the lens of the press agent. The image of each portentous personality corresponds to that supplied lavishly by public-relations offices of governments, concert managers, publishers or other power agencies. Enlarged pores and glistening wrinkles almost convince us there is a correspondence between public fame and private

face. After a few moments, the light-oiled skin starts to shrink and collapse; you start comparing and confusing faces that get one of three or four full treatments. A reiteration of clasped hands in prayerful meditation; in the case of Jacob Epstein, his stubby chisel-banged fingers are more expressive than the potato-face. Dr. Salk, genuinely preoccupied in giving a polio shot to a child, nevertheless ends up like a prestige ad for a Great Laboratory, a picture of a commodity rather than a working scientist. Perhaps what is so disquieting about the light in which these faces are found is that everybody seems to be selling something, if only reputations.

The collection of famous portraits has some fine photographs but editing is haphazard; many of the best portraitists are here, not with their best portraits. It is interesting to compare Karsh's Malraux with Irving Penn's; Genthe, Steichen and Beaton's Garbo; George Platt Lynes's Cocteau, and Beaton's. Karsh's light is catching; it turns up on other Churchills and more Adenauers. When it is so contrasty, forced and artificial, the face becomes a contour map; rivers and valleys of seams and wrinkles; chasms of lips, caves of eyes; melodramatic, gross, inhuman.

MOMENTS PRESERVED. By Irving Penn. Simon & Schuster. \$17.50.

This is the "conversation-piece" book-of-the-year, replacing Richard Avedon's of 1959. It is a thoroughly interesting and beautiful book by a man with a real visual gift of seeing at once with elegance and candor; with stylishness, discreet taste and a personal flair without affectation or compromise. He may make his living for the luxury trades, but there is no trace of the necessary flattery in selling clothes by association with famous names. Maybe he likes to make many men look like turtles; but maybe the ones he chooses *do* look like turtles. The most interesting color concerns a Christmas in Cuzco where Penn pretends he is a popular photographer and takes peasants in gala finery. In the style of day-lit nineteenth-century masterpieces they are extraordinarily dignified, arresting and strange. In the same manner, an extended coverage of the smaller trades of London, Paris and New York, some heroic, many printed nine to the page, like *cartes de visite*: mailmen, furniture-movers, tree-pruners, plumbers, cheese-sellers. They are realized with loving sympathy, great dignity, serene absorp-

tion. Paris style of the twentieth century starting with Cocteau's ballet *Parade* in 1917, made high fashion out of rehabilitating the commonplace. Painters once did it, but there is no genre painting today. Penn's portraits will last longer than some more ambitious art; his small tradesmen and women give wonderful ideas to the costumers and historical painters of the future.

THEATRE

Harold Clurman

IT HAS been a rum week in the theatre: symbolic perhaps of the present state of our stage. The best work was to be seen in the new Balanchine ballet based on the *Liebeslieder Walzer* of Johannes Brahms—sung as well as danced—at the City Center; the worst was *Camelot* (Majestic); the most paradoxical were O'Casey's *The Plough and the Stars* (Phoenix) and a Tyrone Guthrie production of a play, *Love and Libel*, already closed.

The wonderful Brahms piece as the New York Ballet presents it bears the unmistakable imprint of Balanchine's exquisite aristocracy. It is as strong as it is refined. Here power is shaped by sensibility, mastery made to appear easy, order masked as casualness. The taste throughout is perfect. Karinska's costumes, which seem to efface themselves and fit the wearers like their own skins, are truly lovely. (Compare with the Radio City opulence of *Camelot*.) The setting and lighting by David Hays—reduced to the barest essentials—become part of the dance and song. All the elements, which must be separate in description, are apprehended simultaneously as one body of beauty. The twentieth century pays tribute here to the nineteenth.

CAMELOT which might be called Oliver Smith's Ball (he designed the lavish scenery), is a monument of ineptitude. I could not help calculating that for the cost of this production we could have thirty-five or more off-Broadway productions, the least of which might have more real value than this fool farrago. The cast is full of talented people—Julie Andrews, Richard Burton and many others—reduced to clothes horses.

The advance sale for this show probably marks an all-time record: everyone wants to know what the author, composer, director (Lerner, Loewe,

Hart) have wrought since *My Fair Lady*. What "everyone" will see is these accomplished Broadwayites engaged in a game they should not have permitted themselves to play. They are not subjects of the realm they sought to enter: King Arthur's Court. The spectacle will be on for a long time: another item to rejoice pessimists.

I CALL the Phoenix production of *The Plough and the Stars* paradoxical for several reasons. I believe it will be well attended because the propaganda conducted over the years on behalf of O'Casey seems finally to have taken effect. This is as it should be, since O'Casey with all his limitations is one of the truly big men of the contemporary theatre, and *The Plough and the Stars* (first produced in 1926) is one of his masterpieces. The last time I saw the play (in 1953) it was done in a loft on Sixth Avenue where there could have been no more than 125 seats. It was as if the play were being celebrated in secret.

So O'Casey is "coming into his own"—through and in spite of a wholly inadequate production. I cannot bring myself to be harsh with the Phoenix company, which is performing and for years has been performing a necessary function in our theatre. But for the company's own good I must point out that more than a quarter of O'Casey's wonderful text is unintelligible in this production. Either the actors should have been given preliminary lessons in Irish speech or—what would probably have been preferable—they should not have essayed it at all. The dialogue itself is so Irish that its mere recital is sufficiently "authentic."

Second (and this, too, may account for the unintelligibility of many lines), the director Stuart Vaughan, who has learned to visualize and physicalize Shakespeare, Goldsmith and others with generally happy results, has tried to do the same for O'Casey. This is unfortunate because O'Casey's writing is physical enough in itself; his characters are nearly always quarreling or in some other state of violence—even in repose—and very little need be done to emphasize the activity. A little vitality on the actor's part will go a long way in O'Casey, for he abounds in it.

Still, the play survives. The more one sees it the less "local" it becomes. For though *The Plough and the Stars* is unimaginable except in its own environment—O'Casey was a witness and a member of the scene he depicts—one comes to realize that the play is not

only a tragi-comedy of Irish circumstances and character, but a sorry picture of humanity in general. The comedy—one might say—the farce of our existence is that we go on living—and “getting along”—despite the wretched selfishness, the drunken unawareness, the indifference, the sightlessness that far outweigh our wickedness. The key line to this, as to most of O’Casey’s plays, is the one which ends the first act, “Is there anybody goin’, Mrs. Clitheroe, with a tither of sense?”

Hardly anyone in this play has the slightest idea of what’s going on outside or inside himself, beyond the most immediate and primitive animal needs. Hence all are cruel, suffer and are finally victims. What is ultimately communicated is the inferno of human anarchy, a universal heedlessness. Nevertheless, O’Casey communicates (without bathos) a sorrowful tenderness and an ineradicable love for his fellows, undeserving though they all seem to be—undeserving of everything except mockery and pity. One is touched by

O’Casey’s compassion and one loves him for it—and for his laughter.

MORE THAN mention must be made of *Love and Libel*, by the Canadian critic and novelist Robertson Davies, though it was an instantaneous failure. The play was well written and not without humor and charm. But it should never have been produced in a big New York theatre. It was more like a series of short skits—at once provincially quaint and civilized—with a quality of intimate kidding which only a small community possessed of a considerable degree of familiarity and friendship among the inhabitants could properly appreciate.

The cast—with the exception of Dennis King and Gene Saks nearly all Anglo- or Irish-Canadian—was excellent and Tyrone Guthrie’s improvisations were brilliantly and inventively funny. There is a kind of nonchalant effrontery, a gigantic Puckishness in this director which is a sure trait of aristocratic grandeur.

ART

Fairfield Porter

ONE MIGHT reasonably expect sculpture, the most “thingish” of the arts, to be the dominant art of a materialistic age or society. It does not seem to be the dominant art here today. Is this country and this time against materialism? Is it materialistic to appreciate first of all the physical nature of art? Official sculpture is usually nonphysical. An example is the statue of Jefferson in the Jefferson Memorial in Washington. The sculptor’s technique was directed toward overcoming the medium, which is marble. He was so successful that it might as well have been rubber. As he did not appreciate the physical character of marble, neither did he appreciate the physical presence of the statue or the physical reality of the human subject. The statue is gigantic in size and petty in treatment. Jefferson stands indecisively, trapped under the architecture. “Drapery” reveals a sculptor’s feeling about material. He may be bored by the clothes as standing in the way of the only subject he thinks appropriate for sculpture—the nude. The chances are that if he is bored by “drapery,” he will also be bored by the nude, because he will see ideas instead of things. If he sees clothes as social idea instead of as ma-

terial fact he will be likely to see the idea of the nude instead of its specific structure. Prejudice colors perception. From the overcoming of the nature of the medium follows the overcoming of the specific nature of the subject. The hugeness of the Jefferson statue magnifies its littleness. It magnifies what marble has in common with other materials, and what Jefferson has in common with other men. It is as American as a public-opinion poll.

The revolution in art that affirms its means in order to say that art is physical and material—I am not sure that these words are synonymous—has been accompanied by the popularity of steel as a sculptural medium. Whether he wants or not, the artist has to concede the inescapable toughness and resistance of steel. Working directly with steel has replaced the indirectness of working with plaster as a step toward bronze. Being a preliminary step, plaster was not respected for itself, any more than the copper plate as a preliminary to the printed etching is respected for itself. The plaster casts in schools, substitutes for real art across the Atlantic, look dead. But plaster has a natural lightness and crispness: it hardens quickly, and after it is dry, it can be

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carved. Exploited for itself, it contributes to the liveliness of modern sculpture.

REUBEN NAKIAN, exhibiting at the Egan Gallery until January, is a sculptor who makes plaster come alive. His favorite subject is *The Rape of Europa*, which he has hitherto executed in terra cotta. He uses terra cotta with baroque speed, as though the form were painted with brushes dipped in clay, appropriate to the charge of the bull, and reminiscent of Titian's *Europa* at Fenway Court in Boston. His latest Europas are in plaster. They look like porous, chalky tufa dug up out of the ground. His first Europas expressed an excitement all in the present; these new ones, in which the subject is fragmentary and hard to make out, are like recollections, changed by burial. They have the partly natural, partly artificial appearance of archaeological remains. What was the speed of the present in the earlier terra cottas, has become an image from the past, static and worn by time. Having lost an immediacy of subject, they have gained another materiality. They have turned into stone.

His two large steel pieces, *Venus and Mars* and *The Duchess of Alba* (presumably referring to Goya's painting) are completely artificial and willed. Nakian adapts the inadaptability of the material, making steel do for modern sculptors what basalt did for ancient ones. The tensile strength and springiness of steel in these sculptures do not make you think of its virtues for engineering, but of its resistance to manipulation. He uses it artistically, not functionally. The sheet steel, barely bent for the bed and figures, is like shadow, or the washes in his ink drawings; and the welded pipe framework is the three-dimensional projection of the pen lines in the grid of the drawing. Neither the edges cut by the blow torch nor the curves of the surfaces are sensual or stimulating to the touch. Their resemblance to a pile of jack straws recalls the delicate, easily upset balance of this child's game. They are not tactile, they are for the eye; they aspire to heroic scale, and should be seen high and distant on a pediment.

SOMETIMES it is a disappointment to see in bronze a piece of contemporary sculpture that one saw first in plaster. The crispness is replaced by the idea of the form. When this happens, it is because instead of the plaster having been thought of for its usefulness as a middle step, it is the bronze that has been thought of as a useful way of

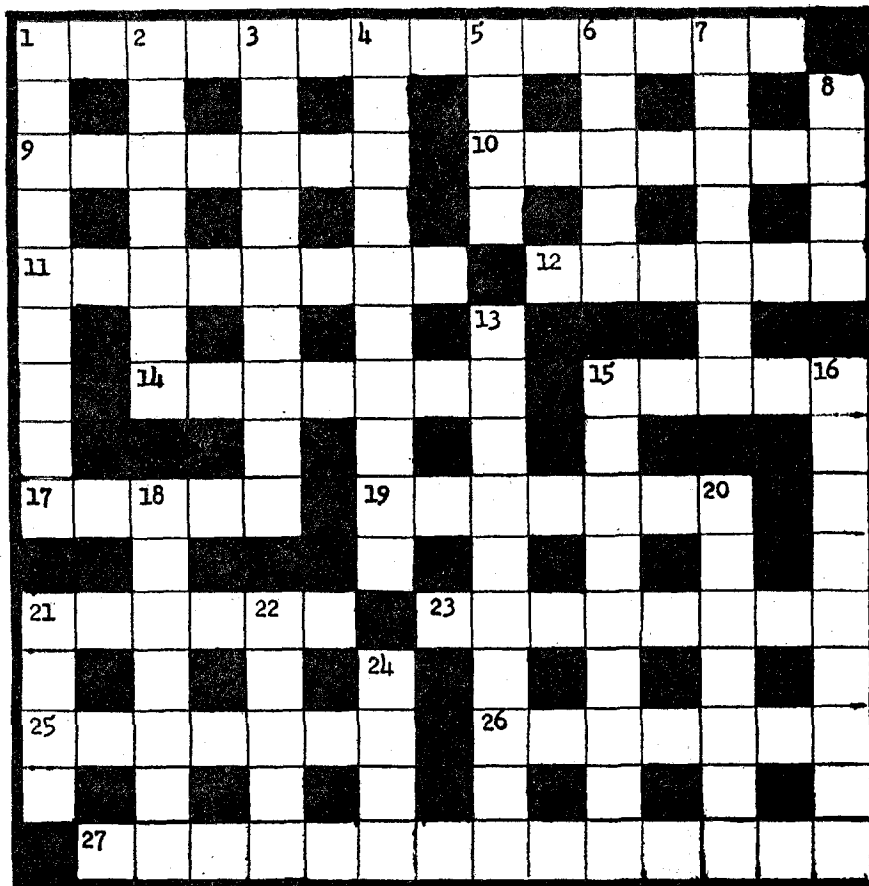
saving a conception from loss. Plaster is perishable. Nakian's sculpture, *The Emperor's Bedroom*, had beauties in the plaster, a crisp whiteness and variation from smooth to rough, a sensuality that the bronze has lost. However, it is better to save a piece of sculpture diminished by casting, than to lose it altogether, as happened to another sculpture that was on view for a long time at the former Egan Gallery on 57th Street. This plaster carving, which looked like an abstract *Victory of Samothrace*, was the greatest piece of sculpture ever made in America. Nakian kept working on it, and finally it was destroyed because it was in his way, and he had no place to keep it.

AN EXHIBITION of the sculpture of Peter Agostini closed Dec. 10 at the Stephen Radich Gallery. But the gallery keeps samples of his work, and some will be shown later this month, with sculpture by Nakian, Philip Pavia and Giorgio Spaventa, at the Great Jones Gallery. Agostini is another sculptor with an appreciation for plaster, as well as bronze. He seems to be able to carry his plasters through to a completion that satisfies him, so that he can let it be cast. He supervises the casting, and he uses silver nitrate for a cool gray patina that relates to the texture of the original plaster. Contrary to the academic sculptor, troubled by drapery whose structure he cannot appreciate, Agostini shows many rococo-like sculptures that are only "drapery." *Hurricane*, *Clothes on a Line*, and the various *Wastepapers* and *Blacksmith's Aprons* are very lively. He molds his plaster with egg boxes, corrugated cardboard, crushed cigarette packages, contraceptives and the plastic containers that dry plaster or other such sculptor's material comes in. The forms and textures pressed from these, and from crumpled sheet metal and wastepaper, have a physical presence of an irresistible and joyous tactility that make your fingers tingle. He also shows bronze nudes that are at once figurative and like metal in the lode. Agostini is more of a naturalist than Nakian. His sculpture has the mixed look of something wind- or water-worn, crystallized by heat and pressure, in addition to the artist's manipulation. Where Nakian's sculpture sometimes resembles archaeological fragments, Agostini's resembles the minerals in a geologist's collection. The wind in Nakian's sculpture is, more directly than Agostini's wind, the wind of sex; and his crystallizations are more psychological. They are precipitated out of their solution in time.

The NATION

Crossword Puzzle No. 895

By FRANK W. LEWIS



ACROSS:

- 1 His Duchess was obviously not a First Lady. (6,8)
- 9 It's easy to make him care, but not really. (7)
- 10 I've brought back my partner for the evening around it, so turn aside! (7)
- 11 What the malicious might sling on decks? (3,5)
- 12 It might be a rather elaborate arrangement for a tenor. (6)
- 14 and 15 Bush farm team for hurlers? (7,5)
- 17 Moved slowly and carefully. (5)
- 19 Shot in the approach of beef, as it might be. (7)
- 21 See 6 down
- 23 Buses are often so common. (8)
- 25 Extolling the virtues of a sauce that should last a thousand years? (7)
- 26 Found in what a Victorian would never show with nothing on? (It's neither here nor there.) (2,5)
- 27 How would you characterize this rum? ("Cheers" implied!) (5,3,6)

DOWN:

- 1 Recollect? Every dime-store comb, in essence, has it. (9)
- 2 New stars are often given a big one, to put layer on layer. (5,2)
- 3 Brought back history in part? (9)
- 4 One's sense of balance determines

how high you should go with it. (5,5)

- 5 Lady Macbeth said the time was almost at this with morning. (4)
- 6 and 21 across Do those who use the euphemism of passing on? (5,3,3)
- 7 Once more it's up to the Resettlement Administration, as a source of power. (7)
- 8 Just water? (4)
- 13 Provoking description? (10)
- 15 Not exactly equivalent to a page bob—though it might help a secretary in her attachment for the boss. (5,4)
- 16 What 23 might do in a fit of rapture. (9)
- 18 A la mode. (7)
- 20 Foster's was beautiful. (7)
- 21 Commonly hit on the foot. (4)
- 22 Shakespearean tale-teller? (5)
- 24 What an SOS starts with, by admission. (4)

SOLUTION TO PUZZLE NO. 894

ACROSS: 1 Bureaucrat; 10 Tighten; 11 Glottal; 12 Elis; 13 Belladonna; 15 Needles; 16 Command; 17 Overeat; 20 Hands up; 22, 2 and 6 Alexander's Ragtime Band; 23 and 3 Palo Alto; 25 Doubles; 26 Tsarina; 27 Eyed; 28 Imposingly. DOWN: 1 Between you and me; 4 Canters; 5 Angelic; 7 Antenna; 8 Dollar Diplomacy; 9 Condiment; 14 Alienable; 18 Execute; 19 Tidy sum; 20 Horatio; 21 Searing; 24 Sari.

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